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ISAAC SHELBY AND THE GENET MISSION

The famous episode in which Edmund Charles Genet, the representative of the new French republic, played the highly dramatic leading rôle is certainly one of the most extraordinary in our national annals. In order to understand the significance of the episode and its relation to Isaac Shelby, it is imperatively necessary to understand the popular temper in the country at the time it occurred, and in particular the temper of Kentucky.

In Kentucky, one of the leading features of dissatisfaction with the federal government was the popular conviction that the leading federalist statesmen of the country were lukewarm in advocacy of the demand for the opening of the Mississippi to western commerce. Ever since the excitement aroused by Jay's reputed proposal to cede to Spain for twenty-five years the navigation of the Mississippi river in return for commercial advantages to be enjoyed by the eastern states alone, the temper of the Kentucky people had tended steadily toward opposition to the Spaniards who held Louisiana and resolutely denied to the United States the free navigation of the Mississippi. The hostility towards the Spaniards was aggravated by the fact that they were allied in the war against France with Great Britain, which still retained the northwest posts in defiance of its treaty obligations. The inevitable result was to arouse the sentiment of the people of Kentucky in behalf of France against the alliance of England and Spain which, in fact, effectively closed the Mississippi to the commerce of the west. Moreover, many Americans throughout the country—for the sentiment was by no means confined to Kentucky alone—felt most warmly towards France, the ally of America in the revolution. In coa-

nection with the position and attitude of Isaac Shelby during the crisis which arose, it must be borne in mind that he had been an ardent fighter for independence during the revolution and looked upon Frenchmen as friends and brothers.¹

The sentiment of vehement friendship for France found vent in the United States through the instrumentality of the "Democratic clubs," emanating in especial from a central source in the Democratic society of Philadelphia established early in 1793. As early as August of the same year, one of these clubs was organized in Lexington, Kentucky; soon similar organizations sprang up in Georgetown, Paris, and other Kentucky towns.² Through the instrumentality of these societies, sentiment was rapidly developed and organized. When Genet landed at Charleston on April 8, 1793, he inaugurated a most vigorous and sensational campaign of propaganda on behalf of the new French republic. "His system," said General John Steele to Alexander Hamilton (Salisbury, North Carolina, April 30, 1793), "is to laugh us into the war, if he can." Genet's meddling activities in the way of actually fitting out ships for the service of France against England, however, were effectually stopped by Washington's proclamation of neutrality, April 22, 1793. Blocked in this direction, Genet now turned his attention to the task of enlisting the sentiment of the entire country on the side of France. Receiving what he chose to regard as tacit encouragement from Jefferson, an ardent democrat and lover of France, Genet deliberately proceeded, by appealing directly to the people of the United States, to invoke the armed assistance of American citizens against the Spanish possessions in the southwest. By recruiting an army against the Spaniards at New Orleans, Genet hoped to embroil the United States in a war with Spain and eventually with Spain's ally, Great Britain.

The effect of Genet's machinations, carried on at first through his agent, Michaux, soon exhibited itself in Kentucky. Many prominent citizens, feeling embittered against Spain for the

¹ For Shelby's career as a soldier, consult Archibald Henderson, "Isaac Shelby," in two parts, in *North Carolina booklet*, 16: 109 ff.; 18: 3 ff.

² Mann Butler, *History of the commonwealth of Kentucky, from its exploration and settlement . . . to the close of the northwestern campaign, in 1813; with an introduction exhibiting the settlement of western Virginia . . . in 1736, to the treaty of Camp Charlotte . . . in 1774* (second edition — Cincinnati, 1836), 223.

closure of the Mississippi, welcomed the opportunity to express themselves in no uncertain terms; and in October, 1793, the Democratic society of Lexington went on record in a violent resolution: "That the right of the people on the waters of the Mississippi, to the navigation, was *undoubted*; and . . . ought to be *peremptorily* demanded of Spain, by the government of the United States."³ A printed address, giving evidence of a plot being hatched in Philadelphia to enlist a force in Kentucky against the Spanish dominions on the Mississippi, had come into the possession of the commissioners of Spain as early as the summer of 1793; and following their complaint to President Washington, the secretary of state, Thomas Jefferson, transmitted the address to Governor Shelby of Kentucky in a letter (August 29, 1793), in which he said: "I have it therefore in charge from the President to desire you to be particularly attentive to any attempts of this kind among the citizens of Kentucky, and if you shall have reason to believe any such enterprize meditated, that you put them on their guard against the consequence, as all acts of hostility committed by them on nations at peace with the United States are forbidden by the laws and will expose them to punishment; And that in every event, you take those legal measures which shall be necessary to prevent any such enterprize. In addition to considerations respecting the peace of the general union, the special interests of the state of Kentucky would be particularly committed, as nothing could be more inauspicious to them than such a movement, at the very moment when those interests are under negotiation between Spain and the United States."⁴

Little more than a month later, Shelby replied to this letter of the secretary of state. In his letter (October 5, 1793) Shelby was direct and explicit, speaking in no uncertain terms regarding his attitude in the matter: "I think it my duty to take this early opportunity to assure you that I shall be particularly attentive to prevent any attempts of that nature from this country. I am well persuaded, at present, none such is in contem-

³ Humphrey Marshall, *History of Kentucky. Exhibiting an account of the modern discovery; settlement; progressive improvement; civil and military transactions; and the present state of the country* . . . (second edition — Frankfort, 1824), 2: 92.

⁴ *Kentucky Gazette*, July 19, 1794.

plation in this place. The citizens of Kentucky possess too just a sense of the obligations they owe the general government, to embark in any enterprise that would be so injurious to the United States.”⁵

At the time of writing this letter, it is clear that Governor Shelby was confident that no such enterprise was under way in Kentucky. But he was soon to be undeceived. On November 9, Jefferson again writes to Shelby, naming the four agents of France, Lachaise, Depeau, Mathurin, and Gignoux; and urging him to restrain the conspirators by law, if possible, but in case legal statutes should prove inadequate to meet the situation, to suppress the expedition by the militia of the state, as had been ordered and practiced in the other states. “I hope,” he added, “that the citizens of Kentucky will not be decoyed into any participation in these illegal enterprises against the peace of their country, by any effect from them on the navigation of the Mississippi. Their good sense will tell them, that it is not to be effected by half measures of this kind, and that their surest dependence is on those regular measures which are pursuing and will be pursued by the general Government, and which flow from the united authority of all the States.”⁶ In the same enclosure (November 9, 1793), the secretary of war addressed a letter to Shelby pointing out that the expedition in contemplation, if permitted to proceed, would constitute a breach of neutrality, and consequently involve the United States in a war with Spain; and stating explicitly: “The secretary of state has suggested how this design may be prevented by the usual course of the laws—but if this mode should be ineffectual, I am authorized by the president of the United States, to request that your excellency will use effectual military force to prevent the execution of the plan of the said Frenchmen, or any other persons who may support, or abet their design. For the lawful expenses of which the United States will be held responsible.”⁷

At this same time (November 7, 1793) Arthur St. Clair, governor of the Northwest territory, addressed a letter to Governor Shelby, in which he said: “I have received pretty direct

⁵ *Kentucky Gazette*, July 19, 1794.

⁶ *Ibid.*

⁷ Marshall, *History of Kentucky*, 2: 97.

information which I think necessary to communicate to you—that General Clark has received a commission from the government of France, and is about to raise a body of men in Kentucky to attack the Spanish settlements upon the Mississippi. Should a business of this kind be prosecuted, the nation, Sir, would probably be involved in very serious difficulties, as well as the country over which you preside. It would appear that some measures to counteract it, should be taken immediately; more especially, if it be true, what report says, that a large sum of money, a paymaster, and a number of French officers, are arrived at the Falls of Ohio; and a number of boats for the expedition laid down. There can be no doubt, a matter of this kind, would not escape your vigilance. But as I got the account of it in a manner that would not probably reach you, I thought it my duty to give you, it over, which must be my excuse for troubling you at this time.”⁸

Once assured his information was entirely authentic, St. Clair with commendable promptness issued a vigorous proclamation at Marietta, on December 7, 1793. The vital feature of it was as follows: “And it having been communicated to me through the Secretary of War, that the representatives of Spain have made representations to him, of the designs of certain Frenchmen by the names of La Chaise, Charles Delpeau, Mathurin and Signeux to excite and engage as many as they could, whether of our citizens or others, to undertake an expedition against the Spanish settlements within our neighborhood, I have thought it fit to issue this Proclamation requiring all the inhabitants of the territory of the United States North West of the Ohio, and they are hereby required, and commanded to observe a strict neutrality towards Spain, to abstain from every hostility against the subjects or settlements of that Crown, and forbidding all and every of the said inhabitants to join themselves to the said La Chaise, Charles Delpeau, Mathurin and Signeux, or either of them, in any attempt they may meditate against the Spanish settlements on the Mississippi, or to aid or abett them in the

⁸ Marshall, *History of Kentucky*, 2: 98; Lewis Collins, *Historical sketches of Kentucky: embracing its history, antiquities and natural curiosities, geographical, statistical, and geological descriptions; with anecdotes of pioneer life and . . . biographical sketches of distinguished pioneers, soldiers, statesmen, jurists, lawyers, divines, etc.* (Maysville, Kentucky, and Cincinnati, 1850), 278.

same in any manner whatsoever; and all persons who may offend, may depend upon being prosecuted and punished with the utmost rigor of the law. And I do hereby require and command all officers Civil and Military to use their utmost endeavours to prevent the said La Chaise, Delpeau, Mathurin and Signeux, or either of them, from making any Levies of men, or other preparations within the Territory, and to imprison them should they have the audacity to attempt it, and to restrain all and every one of the inhabitants from joining themselves to them, or either of them.”⁹ It should be pointed out that this proclamation fully conformed with the policy of the general government, as expounded in detail to Shelby by the secretary of war.

At the time of convening the legislature of Kentucky on November 6, Governor Shelby had not received the three letters above mentioned. As he himself expressly states, he did not receive the letters from the secretary of state and the secretary of war until late in December. Nor had he then any important or tangible evidence that there was a serious movement on foot in Kentucky of the kind described. Moreover, he had no information of any detailed sort as to any efforts being made by the general government in behalf of Kentucky in its desire for the free navigation of the Mississippi, beyond the vague and indefinite statement of Jefferson in his letter of August 29, 1793: “In addition to considerations respecting the peace of the general union, the special interests of the State of Kentucky would be particularly committed, as nothing could be more inauspicious to them than such a movement, at the very moment when those interests are under negotiation between Spain and the United States.”¹⁰ That Governor Shelby did not, later in the session, make a special address to the legislature on this subject of burning popular interest and concern is a question which has been the subject of considerable controversy. In view of the fact that he lacked precise and complete information regarding the true designs of the French agents of Genet in Kentucky, such an address might well have been ill-advised in time and unduly alarming in effect. While appealing to the passions of the people by giving credence to the sensational stories which at this time lacked proper authentication, such an address or proc-

⁹ *Kentucky Gazette*, February 8, 1794.

¹⁰ *Ibid.*, July 19, 1794.

lamation would probably have been powerless to allay the popular hostility to Spain and disaffection to the general government by the vague and cryptic allusion of Jefferson to a "negotiation" then in progress between the United States and Spain.

Meantime, the agents of Genet had reached Kentucky, and immediately proceeded to sound Governor Shelby in regard to their extraordinary and unneutral project. Writing from Knob Lick, November 25, 1793, and addressing Shelby as "Citizen Governor," Lachaise expressed his regret at being unable to deliver to the governor in person "letters which I was intrusted with by the minister," and ventured the hope that he might see him at his (Shelby's) home, should he pay a visit there in the near future. Writing from the same place on the same date, Charles Depeau informed the "Citizen Governor" that he had been dispatched in company with other Frenchmen to join the expedition of the Mississippi, continuing as follows: "As I am to procure the provisions, I am happy to communicate to you, whatever you shall think worthy of my motive, or in which your advice may be of use to me, as I hope I have in no way disoblged you; if I have, I will most willingly ask your pardon. For nobody can be more than I am willing for your prosperity and happiness. As some strange reports has reached my ears that your excellence has positive orders to arrest all citizens inclining to our assistance, and as my remembrance know by your conduct, in justice you will satisfy me in this uncommon request."¹¹ From these two letters it seems clear that these Frenchmen had been led to believe, perhaps by Senator Brown, at Philadelphia, that Governor Shelby, as an individual at least, was hostile to the Spaniards and favorable to the French. In a postscript, Depeau went so far as to make the following request: "Please to particpate [distribute?] some of these handbills, to that noble society of democrats; I also enclose a paper from Pittsburgh." The purpose of these presumptuous letters is obviously to take the measure of the governor and learn from him the exact nature of his official disposition towards the proposed undertaking. In reply to this second letter, Shelby wrote to Depeau from Frankfort on November 28, stating the substance of the instructions he had received from the secretary of state,

¹¹ For these two letters and Shelby's reply see Marshall, *History of Kentucky*, 2: 99 ff.

and adding only these words: "To which charge I must pay that attention which my present situation obliges me." The phrase, "my present situation," gives a somewhat dubious and equivocal meaning to the governor's statement; but anyone familiar with his way of expressing himself and with the formal phraseology of the day would probably conclude that the statement was intended merely to mean that whatever his personal feelings towards France as a nation might be, he would in his official capacity as governor of Kentucky see that the laws of the country were enforced. It is highly probable that at the time of writing this letter Shelby had not informed himself as to whether there were laws then on the statute books in Kentucky covering the case in question. Nor does it appear that he had resolved to invoke the military power of the state should no legal remedy be available.

On December 2, Governor St. Clair received a letter from the secretary of war, "announcing the design of certain Frenchmen, to engage in some military expedition against the possessions of Spain on the Mississippi—to set out from Kentucky."¹² One week later he wrote to General Wayne informing him of the receipt of this letter and of the fact that he had notified Governor Shelby of it—"in order that he might take such measures to prevent it, as he judged proper." On January 6, 1794, acting upon this advice, General Wayne wrote to Governor Shelby, placing at his disposal the squadron of horse, stationed between Georgetown and Lexington and under the command of Major W. Winston, for use in suppressing the French expedition.¹³

It is difficult to arrive at an exact estimate, for a period of so remote a date, of the complexion of the popular mind in a given circumstance and the precise motives which prompted men to decisive action. There is no reason to doubt that many of the leaders of Kentucky, including Shelby—as evidenced by his letter of January 13, 1794, printed below—felt very violently against Spain and very warmly towards France. To these irascible and hot-blooded patriots dwelling upon the western waters, that country which kept closed to their produce and free traffic the great highway, the Mississippi river, was nothing less than an enemy country. In an address (December 13, 1793), "To

¹² Marshall, *History of Kentucky*, 2: 102.

¹³ Butler, *History of the commonwealth of Kentucky*, appendix, 524.

the inhabitants of the United States west of the Allegany and Apalachian Mountains," issued by the Democratic society of Lexington, signed by John Breckinridge, chairman, and attested by Thomas Todd and Thomas Bodley, clerks, the claim to the right of navigation of the Mississippi is put forward in vigorous and forceful terms. It is proposed that societies be formed in convenient districts in every part of the western country, by means of which the public may inform themselves of the situation and consult upon measures for securing their desires. The address concludes with these significant words: "We may for a while exhaust our wealth and strength—but until the all-important object is procured, we pledge ourselves to you; and let us all pledge ourselves to each other; that our perseverance and our friendship, will be inexhaustible."¹⁴ Of a far more inflammable nature was a contribution styled "The Crisis" and signed "An old fashioned REPUBLICAN." According to the writer, nothing in the way of redress was to be hoped for from the national government. As to the free navigation of the Mississippi, "its procurement depends solely on ourselves; and this, my fellow citizens, this is the critical moment. Such a conjecture of favourable circumstances, seems to be designed by providence for the completion of this event. We view at the same harmless distance the conflict of English, French and American councils and intrigues, as we do the piracies of the Algerines. We are invulnerable to the offensive operations of the universe. The Spaniards, altho' beneath our contempt, if in the full exercise of their power, have sufficient employment beyond the Atlantic. Louisiana groaning under tyranny, is imploring you with uplifted hands." The article closes with the following apostrophe, presumably addressed to revolutionary leaders, among whom George Rogers Clark and Isaac Shelby were numbered: "To those remaining veteran patriots therefore, whose footsteps we followed to this distant desert, and who by their blood and toil, have converted it into a smiling and delightful country, we now look up. Under your guidance, we fought, we bled, and acquired this country; and under your guidance we still wish to fight and bleed, while any appendage to its complete enjoyment remains to be procured. Strength, courage and firmness are now at your

¹⁴ This address was put in evidence by Judge Harry Innes in the case of Sebastian. Marshall, *History of Kentucky*, 2: 109 ff.

service, ready to be directed by your experience and wisdom. Our lives and our fortunes, we are free to hazzard in the attempt, and so long as we can wield a sword, or raise a shilling, they shall, if you lead the way, be devoted to the procurement of this right.”¹⁵ While the membership of the Democratic clubs and societies is not fully known, certain it is that many prominent men, among whom were included a number of Shelby’s friends, were members of these organizations. It soon was plain enough to Shelby that the temper of the people at this time was very inflammable; and he preferred to adopt a Fabian policy of “watchful waiting,” rather than to employ an aggressive policy of military suppression.

With reference to the situation which had developed by an early date in January, 1794, Shelby himself has made an explicit statement. “The subject now became serious and interesting, and required the most attentive consideration; for although I felt no apprehensions that the intended expedition could be carried into effect, yet I entertained too high a sense of the obligations due to the General Government, to refuse the exercise of any powers with which I was clearly invested. After the most careful examination of the subject, I was doubtful whether under the constitution and laws of my country, I possessed powers so extensive as those which I was called upon to exercise.”¹⁶ Doubtless Shelby referred the investigation as to the legal status of the case to his secretary of state, James Brown, who was a member of the Democratic society of Lexington; but the dates of the letters exchanged between the two, which have been preserved, indicate that Brown concurred with the views of the governor, rather than that Shelby merely accepted the legal advice of his secretary of state.

In order to understand fully the issues in this controversy, as well as the position taken by Governor Shelby, it is necessary to print in full his famous letter of January 13, 1794, to the secretary of state of the United States:

¹⁵ *Kentucky Gazette*, February 8, 1794.

¹⁶ This statement was made by Governor Shelby in a message to the house of representatives of Kentucky, November 15, 1794, in compliance with a resolution from that body requesting him to lay before them such information as he might have received relative to the free use of the Mississippi river. Butler, *History of the commonwealth of Kentucky*, appendix, 524 ff.

Sir:

After the date of my last letter to you, I received information that a commission had been sent to General Clark, with powers to name and commission other officers, and to raise a body of men; no steps having been taken by him (as far as has come to my knowledge) to carry this plan into execution, I did not conceive it was either proper or necessary for me to do anything in the business.

Two Frenchmen, Lachaise and Delpeau have lately come into this State; I am told they declare publicly, they are in daily expectation of receiving a supply of money, and that as soon as they do receive it, they shall raise a body of men and proceed with them down the river. Whether they have any sufficient reason to expect to get such a supply, or any serious intention of applying in that manner if they do receive it, I can form no opinion.

I judge it proper, as the President has directed you to write to me on the subject, to give you this information that he may be apprised as fully as I am of the steps which have been and are now taking here in this matter. If the President should hereafter think it necessary to hold any further communication with the Executive of this State on this subject, I wish him to be full and explicit as to the part which he wishes and expects me to act. That if, what is required of me, should in my opinion, be within my constitutional powers, and in the line of my duty I may hereafter have it in my power to shew that the steps which I may take were not only within my legal powers, but were also required by him.

I have great doubts even if they do attempt to carry their plan into execution (provided they manage their business with prudence) whether there is any legal authority to restrain or punish them, at least before they have actually accomplished it. For if it is lawful for any one citizen of this State to leave it, it is equally so for any number of them to do it. It is also lawful for them to carry with them any quantity of provisions, arms and ammunition; and if the act is lawful in itself, there is nothing but the particular intention with which it is done that can possibly make it unlawful, but I know of no law which inflicts a punishment on intention only, or any criterion by which to decide what would be sufficient evidence of that intention, if it was a proper subject of a legal censure.

I shall upon all occasions, be averse to the exercise of any power which I do not consider myself as being clearly and explicitly invested with, much less would I assume power to exercise it against men who I consider as friends and brethren, in favor of a man whom I view as an enemy and a tyrant. I shall

also feel but little inclination to take an active part in punishing or restraining any of my fellow citizens for a supposed intention, only to gratify or remove the fears of the ministers of a foreign prince who openly withholds from us an invaluable right, and who secretly instigates against us a most savage and cruel enemy.

But whatever may be my private opinion, as a man, as a friend to liberty, an American citizen, and an inhabitant of the Western Waters, I shall at all times hold it as my duty to perform whatever may be constitutionally required of me as Governor of Kentucky, by the President of the United States. . . .

ISAAC SHELBY.¹⁷

This letter is extraordinary in many respects as coming from a governor of an American state and addressed to the general government. Far from pretending to conceal his true feelings and sympathies behind the mask of official aloofness from a conspiracy hatching before his very eyes, the blunt, outspoken governor vehemently takes sides and frankly serves notice on Jefferson that personally and individually as a representative of sentiment among the inhabitants on the "western waters," he is in hearty sympathy with George Rogers Clark and with the movement, engineered by Genet, which Clark is preparing to head. Moreover, this letter stands out in sharp contrast to Shelby's former letter (October 5, 1793) to the secretary of state. In a letter to General M. D. Hardin (July 1, 1812), Governor Shelby gives the following explanation of the apparent discrepancy between the tone and purport of the two letters. "There is to be sure some inconsistency between my two letters to the Secretary of State of the United States, and I saw it at the time, but at the date of the last, I saw evidently that the whole scheme of Lachaise would fall to the ground without any interference, and that the present was a favourable one, while the apprehensions of the President were greatly excited, to express to him what I knew to be the general sentiments of the Kentucky people, relative to the navigation of the Mississippi and the Spanish Government . . ."¹⁸ There seems to be no doubt that Governor

¹⁷ *Kentucky Gazette*, July 19, 1794.

¹⁸ This letter was called forth, during Shelby's campaign for the governorship of Kentucky, by a letter signed "Warren" in the *American statesman*, June 27, 1812, which Shelby declared contained a "garbled statement of official documents, and such a misrepresentation of my conduct, as makes it my duty to place that trans-

Shelby has clearly fallen into error, after the lapse of years, in his assertion that on January 13, 1794, he was assured of the failure of the Franco-American expedition against Louisiana—unless indeed he possessed a prophetic vision, based on reliable sources of “inside information” available to but few. For at this very time, General George Rogers Clark was extensively circulating throughout Kentucky his “Proposals for raising the volunteers, &c.”; and so favorably were these “Proposals” received by the public that they were actually set forth, in full, in the *Centinel of the North-Western Territory*, Cincinnati, January 25, 1794, as follows:

George R. Clark, Esq.

Major General in the armies of France, and Commander in Chief of the French Revolutionary Legions on the Mississippi River.

PROPOSALS

For raising the volunteers for the reduction of the Spanish posts on the Mississippi, for opening the trade of the said river, & giving freedom to its inhabitants, &c.

All persons serving the expedition to be entitled to one thousand acres of Land—those that engage for one year, will be entitled to two thousand acres—if they serve two years or during the present war with France, they will have three thousand acres of any unappropriated Land that may be conquered. The officers in proportion pay &c as other French troops. All lawful Plunder to be equally divided agreeable to the custom of War. All necessities will be provided for the enterprise, and every precaution taken to cause the return of those who wish to quit the service, as comfortable as possible, and a reasonable number of days allowed them to return, at the expiration of which time their pay will cease. All persons will be commissioned agreeable to the number of men they bring into the field. Those that serve the expedition will have their choice of receiving their lands or one dollar a day.

G. R. CLARK.¹⁹

It was not until February 10 that Governor Shelby replied to the letter of General Wayne of January 6, preceding. In it he says: “I can assure you that there is not the smallest probability that such an enterprise will be attempted; if it should,

action in its proper light.” Butler, *History of the commonwealth of Kentucky*, appendix, 528 ff.

¹⁹ Quoted in the *Kentucky Gazette*, February 4, 1794.

the Militia of this State, I am fully persuaded, are able and willing to suppress every attempt that can be made here to violate the laws of the Union.”²⁰ It is difficult to understand, looking at the events after the lapse of a century and a quarter, how Shelby could have had access to sources of information so positive, to the effect that the French enterprise would not even be attempted. Can it be true that Clark’s freebooting expedition, in which he vied in violation of law and government with the buccaneers of the Spanish main, was after all only a colossal “bluff”? Contrary to Shelby’s statement, quoted above, it appears certain that it was a matter of general, and even public knowledge that preparations for the piratical enterprise were well under way; and the projectors of the enterprise were so emboldened by the favorable sentiment in Kentucky that Lachaise and Depeau had the temerity to address the governor on the subject, and General Clark sent forth openly and broadcast his “Proposals for raising the volunteers &c.” which doubtless were read by Governor Shelby. As a matter of fact, the text of the “Proposals” was printed at Lexington in the *Kentucky Gazette* six days prior to the date of Shelby’s letter to Wayne, cited above. There is something equivocal, also, in his reassuring assertions to Wayne; for as early as a month prior to this date he had expressed his doubt as to the existence of law on the statute books under which the courts could arrest the projected enterprise.

The actual fact would seem to be that Governor Shelby deliberately declined every invitation or proposal made to him by the general government, either directly or through St. Clair and Wayne, to act upon his own unsupported authority as governor of Kentucky—either by invoking legal aid or military force. His ultimatum, as delivered to the president of the United States, practically amounted to this: I can find no law which empowers me to stop this expedition. If you wish it stopped legally, pass a national law that will cover the case. Moreover, I decline to call out the state militia to suppress by force an enterprise which may never materialize into action; for premature or ill-advised action will agitate and inflame public sentiment in this state. If you want me to suppress the enterprise

²⁰ Butler, *History of the commonwealth of Kentucky*, appendix, 524.

by force, command me to do so under the constitution and I will carry out such constitutional command. My personal sympathies are whole-heartedly on the side of France and bitterly against Spain. I warn you now of this significant circumstance: the people on the western waters are aroused against Spain and are uncompromising in their demands for such negotiation with Spain as will lead to the opening of the Mississippi river.

What was the actual outcome of Shelby's recalcitrant and defiant attitude toward the general government in this whole matter? From his letter of January 13, 1794, flowed certain important consequences. In the first place, an "act in addition to the act for the punishment of certain crimes against the United States" was brought before congress, which declared "that to embark in an enterprize, such as was contemplated by the citizens of this State, should be considered as criminal, and directing what punishment should be inflicted on those who should be guilty of such an offence."²¹ Edmund Randolph wrote Shelby a lengthy letter (March 29, 1794), in which he said: "As these unlawful assemblages of military force may assume various forms, Congress have not been unmindful, that the civil arm may sometimes be unequal to the task of sustaining civil authority. They have therefore, by an act of May the 2d 1792, conferred on the marshals and their deputies, the same power in executing the laws of the United States, as sheriffs and their deputies in the several states have by law in executing the laws of their respective states. They have rendered it lawful for the President, in case of invasion to call forth the militia, or to issue his orders for that purpose to such officer of the militia as he shall think proper. They have empowered him to call forth the militia of one state for the suppression of an insurrection in another, under certain circumstances, and to subdue by the militia any combination against the laws which may be too powerful for ordinary judicial proceedings."²² Randolph's letter, which on the whole was rather lame, entirely failed to convince Shelby, whose mind was fully made up and sentiments strongly engaged; and in his message to the house of representatives,

²¹ From Shelby's message to the house of representatives of Kentucky. Butler, *History of the commonwealth of Kentucky*, appendix, 524 ff.

²² *Kentucky Gazette*, July 26, 1794.

cited above, he asserts: "From the necessity of passing that law [above referred to], I infer that my doubts as to the criminality of the proposed enterprize were well founded, and that until the passage of that law (June 5, 1794), the offence had not been declared nor the punishment defined."

It is clear that the president, on the basis of Shelby's letter of January 13, 1794, feared that Shelby in his capacity as governor of Kentucky was strongly disposed against taking drastic action, either legal or military, in suppressing the projected freebooting expedition. Accordingly, taking the matter into his own hands, he issued a proclamation (March 24, 1794), declaring: "Whereas I have received information that certain persons in violation of the laws, have presumed, under color of a foreign authority, to enlist citizens of the United States and others within the State of Kentucky, and have there assembled an armed force for the purpose of invading and plundering the territory of a nation at peace with the United States . . . I have therefore thought proper to issue this proclamation, hereby solemnly warning every person not authorized by the laws, against enlisting any citizen or citizens of the United States for the purpose aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril."²³ Washington took the additional step of directing General Wayne to "establish a strong military post at Fort Massac on the Ohio, and prevent by force, if necessary, the descent of any hostile party down that river."²⁴

The recall of Genet, which had been effected through diplomatic channels, together with Washington's strong proclamation, dealt the final blows to the hopes of Clark, Lachaise, and their adherents. The gravity of the situation, and the danger which had been averted, are exhibited in a letter which Lachaise wrote to the Democratic society of Lexington (in May, 1794), in which he says that "causes unforeseen had put a stop to the march of two thousand brave Kentuckians, who were about to go and put an end to the Spanish despotism on the Mississippi, where Frenchmen and Kentuckians, united under the banners

²³ *Kentucky Gazette*, May 3, 1794.

²⁴ William H. English, *Conquest of the country northwest of the river Ohio, 1778-1783*; and *life of General George Rogers Clark* (Indianapolis, 1896), 2: 822; Robert M. McElroy, *Kentucky in the nation's history* (New York, 1909), 174.

of France, might have made one nation, the happiest in the world — so perfect was their sympathy.”²⁵

In an “Address to the Freemen of Kentucky,” issued in the summer of 1812, during his campaign for the governorship, Shelby declared that he wrote his letter of January 13, 1794, having in view as one principal object to alarm the general government regarding the western people and their excited state over the question of the navigation of the Mississippi. “The attention of the General Government being thus drawn to the Western country, I deemed it a favorable time to make an impression on their minds of the importance of the navigation of the Mississippi, and of the necessity attending to that subject. *On that account and with that object*, my letter of the 13th January, 1794, was calculated rather to increase than to diminish the apprehensions of the General Government as to the Western country. This letter had the effect desired, it drew from the Secretary of State information in relation to the navigation of the Mississippi, and satisfied us that the General Government was, in good faith, pursuing this object of first importance to the people of Kentucky. The information thus drawn forth quieted the public mind and restored harmony to the country.”²⁶

A more explicit setting forth of all the negotiations is requisite for a full understanding of the subject. In his letter to Shelby of March 29, 1794, Edmund Randolph wrote: “In December, 1791, it was verbally communicated to the Secretary of State by one of the Commissioners of Spain here, that his Catholic Majesty, apprised of our solicitude to have some arrangements made respecting our free navigation of the Mississippi, and the use of a port thereon, was ready to enter into a treaty at Madrid. . . . Instructions, comprehensive, accurate and forcible were prepared by my predecessor; and if at this stage of the business, it were proper to develop them to public view, I should expect with certainty, that those who are the most ardent for the main object would pronounce that the executive has been deficient neither in vigilance nor exertions.”²⁷

The pressure of public sentiment, aroused by the pronunciamientos of the Lexington Democratic society, at length took form

²⁵ Marshall, *History of Kentucky*, 2: 125.

²⁶ Butler, *History of the commonwealth of Kentucky*, appendix, 531.

²⁷ *Kentucky Gazette*, July 26, 1794.

in the following action by the general assembly of Kentucky (December 20, 1794): "Resolved, that the senators in Congress be and they are hereby instructed to require information of the steps which have been taken to obtain the navigation of the river Mississippi and to transmit such information to the Executive of this State."²⁸ On November 24, preceding, Thomas Pinckney had been commissioned by the federal government as envoy to Madrid, with instructions to negotiate a treaty securing the free navigation of the Mississippi. And further to allay the excitement in Kentucky, the senate of the United States passed a resolution providing: "That the President of the United States be, and he hereby is, requested to cause to be communicated to the Executive of the State of Kentucky, such part of the existing negotiation between the United States and Spain, relative to this subject, as he may deem advisable and consistent with the negotiations."²⁹

In pursuance of this resolution, the president appointed James Innes "a Special Commissioner to detail a faithful history of the negotiations pending between the United States and the Court of Madrid respecting the navigation of the Mississippi." An exhaustive analysis of the negotiations was made by the special commissioner and transmitted to Governor Shelby.³⁰ The crux of the matter is contained in the special commissioner's statement that the president had decided not to "enter into any commercial relations with the Court of Madrid 'until our right to the free use of the Mississippi shall be most unequivocally acknowledged and established, on principles never hereafter to be drawn into contestation.'"

The subsequent incidents in the history of this important issue, the further Spanish intrigues engineered by Carondelet, the diplomatic negotiations, are beyond the scope of the present inquiry. Suffice it to say that on March 30, 1798, the Spanish troops evacuated the posts north of the boundary, the thirty-first meridian, established by the treaty; and at last "the pioneers of the West found themselves in the possession of the long

²⁸ *Kentucky Gazette*, February 7, 1795.

²⁹ *Ibid.*, March 14, 1795.

³⁰ This report, with accompanying documents, appeared in the *Kentucky Gazette* for March 14, 1795.

coveted right of freely navigating the great river, which formed their only highway to the markets of the world.''

Isaac Shelby has been the target for severe criticism and bitter invective because of his stand in the matter of the Franco-American expedition and his apparent readiness to allow American neutrality to be violated and the United States compromised. Shelby was bitterly attacked in 1812 by his enemy, Humphrey Marshall, who afterwards renewed the attack most vehemently in his *History of Kentucky* in 1824. The documents herein cited and the course of Shelby's actions tell their own story. When it is considered that the ultimate result of Shelby's famous letter of January 13, 1794, and of his subsequent acts was the opening to navigation of the Mississippi river, it is difficult to avoid the conclusion that this important accomplishment outweighed the fault of alleged lukewarmness in devotion to the national government which Shelby evidenced in declining to order the arrest of Clark, Lachaise, Depeau, and other leaders of the projected freebooting expedition.

ARCHIBALD HENDERSON

UNIVERSITY OF NORTH CAROLINA
CHAPEL HILL, NORTH CAROLINA